

WSR 22-14-010
RULES OF COURT
STATE SUPREME COURT
[June 21, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO CrR) NO. 25700-A-1454
4.2 [FELONY GUILTY PLEA FORMS])

The Pattern Forms Committee, having recommended the adoption of the suggested amendments to CrR 4.2 [Felony Guilty Plea Forms], and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be expeditiously published in the Washington Reports and will become effective July 1, 2022.

DATED at Olympia, Washington this 21st day of June, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

CrR 4.2
Pleas

(a) - (f) [Unchanged.]

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

Superior Court of Washington for _____	No.
State of Washington	
Plaintiff, v. _____.	Statement of Defendant on Plea of Guilty to Non-Sex Offense (Felony) (STTDFG)
Defendant	

1. My true name is: _____.

2. My age is: _____.

3. The last level of education I completed was: _____.

4. **I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: _____.

The elements are:

5. I Understand I Have the Following Important Rights and I Give Them Up the Following Important Rights by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify in my defense for me. These witnesses can be made to appear at no expense to me;

(e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty; and

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of My Guilty Plea, I Understand That:

(a) My right to appeal is limited.

(b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range**, as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1					
2					
3					

* The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (V) VUSCA in protected zone, (JP) Juvenile present, (VH) Vehicular homicide, see RCW 9.94A.533(7), (P16) Passenger(s) under age 16.

(c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(d) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(e) If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:

(i) As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a disqualifying serious infraction as defined by the Department of Corrections (DOC) in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.

(ii) If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the

Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.

(iii) If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.

(f) If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense:

(i) If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.

(ii) If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years.

(iii) During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release, or any form of early release.

(iv) After the minimum term, if I am released by the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, and must comply with conditions imposed.

(v) If I violate the conditions of community custody, the Board may return me to confinement.

(ge) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. If this occurs, I cannot change my mind and withdraw this guilty plea. If additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(hf) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.

(i) **For crimes committed prior to July 1, 2000:** In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody, if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that one or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community custody. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community custody. The actual period of community custody may be longer than my earned early release period. During the period of community custody, I will be under the supervision of the DOC, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge

may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me for up to 12 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the term established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.729 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody term will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY TERM
Serious Violent Offenses	36 months
Violent Offenses	18 months
Crimes Against Persons as defined by RCW 9.94A.411(2)	12 months
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	12 months
Offenses involving the unlawful possession of a firearm where the offender is a criminal street gang member or associate	12 months

Certain sentencing alternatives may also include community custody.

During the period of community custody, I will be under the supervision of the Department of Corrections (DOC). For crimes occurring on or after June 28, 2016, the supervision of the DOC cannot exceed the times specified in this paragraph. I may have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the DOC. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6) (h), and may result in the DOC transferring me to a more restrictive confinement status or other sanctions.

(g) I understand that a conviction for the crime(s) listed above will result in a term of community custody for _____ months under RCW _____. During the period of community custody, I will be under the supervision of the Department of Corrections (DOC). I may have restrictions and requirements placed upon me by the court and by the DOC, depending on the crime and my individual circumstances. The conditions and requirements may include no drug or alcohol use without a valid prescription, treatment for a substance use disorder, urinalysis testing, treatment for mental health conditions, and compliance with a no contact order.

If I violate the conditions of my community custody, the DOC court may sanction me up to 60 days confinement per violation, and/or revoke my earned early release, or The DOC may sanction me up to 30 days' confinement per violation and/or revoke my earned early release, or the DOC may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(jh) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(ki) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so or I was under the age of 18 when I committed this crime. If I was over the age of 18 when I committed this crime, the judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If I was under the age of 18 when I committed this crime, the judge has the discretion to impose an exceptional sentence downward. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an to an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

(iv) If I committed this crime and the sentencing enhancement when I was under the age of 18, the judge must consider mitigating circumstances related to my youth, including, but not limited to, immaturity, impetuosity and failure to appreciate risks and consequences, the nature of my surrounding environment and family circumstances, the extent of my participation in the crime, the way familial and peer pressures may have affected me, how youth impacted any legal defense, and any factors suggesting that I might be successfully rehabilitated. If I am convicted of a sentencing enhancement, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding my youth into account.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(lj) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the under United States law.

(mk) I may not possess, own, or have under my control any fire-arm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. As a result of this conviction, I must immediately surrender

any concealed pistol license(s) and I may not possess a firearm or ammunition unless the right to do so is restored by a court of record.

(n) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art VI, § 3; RCW 29A.04.079; RCW 29A.08.520.

(o) Government assistance may be suspended during any period of confinement.

(p₁) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee, unless a DNA collection fee has previously been ordered.

(m) The clerk of the court is required to report this conviction to various administrative entities, which will result in civil consequences. I will lose the right to vote until the right is restored in the manner provided by law. Also, I may be ineligible to hold a driver's license or receive government assistance. Other consequences may apply based on my specific circumstances.

Notification Relating to Specific Crimes:

If any of the following paragraphs do NOT APPLY, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that DO APPLY.

(q_n) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(r_o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement and up to one year of community custody, plus all of the conditions described in paragraph 6(h). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

(s_p) The judge may sentence me under the Parenting Sentencing Alternative, if I qualify under RCW 9.94A.655. If I am eligible, the judge may order the DOC to complete a risk assessment report, including a family impact statement, a chemical dependency screening report, or both. If the judge decides to impose the Parenting Sentencing Alternative, The sentence will consist of 12 months of community custody and include conditions imposed by the court and by the Department of Corrections (DOC). I will be required to comply with the conditions imposed by the court and by the DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. I have the right to assistance of counsel at this hearing and the court will appoint counsel if I am indigent. The court may modify the conditions of community custody or impose sanctions, including extending the length of participation in the alternative program by no more than the program by six months. If the court finds I violated the conditions or requirements of the sentence or I failed to make satisfactory progress in treatment, The court may order me to serve a term of total confinement within the standard range for my offense if I violate a condition or requirement of the sentence.

(~~eg~~) If this crime involves kidnapping or unlawful imprisonment involving a minor, including unlawful imprisonment involving a minor who is not my child, or if this crime is promoting prostitution in the first or second degree and I have at least one prior conviction for promoting prostitution in the first or second degree, or if this crime is (human) trafficking in the first degree under RCW 9A.40.100 (1)(a)(i)(A)(III) or (IV) or (1)(a)(i)(B) (relating to sexually explicit acts or commercial sex acts), I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" attachment.

(~~ur~~) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110 for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15.00.

(~~vs~~) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. ~~If I qualify and the judge is considering a residential substance use disorder treatment based alternative, The judge may order that I be examined by the Department of Corrections (DOC) before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, the judge may order me to participate in necessary treatment to address substance use disorder and domestic violence issues related to this offense. A DOSA sentence could be either a prison-based alternative or a residential substance use disorder treatment-based alternative. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential substance use disorder treatment-based alternative.~~

~~During the term of community custody, the judge could order that I comply with conditions reasonably related to the offense. Additional costs could be imposed depending on the conditions ordered by the judge. The judge may order me to appear in court at any time during the term of community custody to determine if I have violated any of the conditions of my sentence.~~

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance use disorder assessment and to participate in treatment. If this crime involves domestic violence, I also will be required to undergo a comprehensive domestic violence assessment and to participate in a domestic violence treatment program provided by a state-certified treatment provider during the term of community custody. The judge will also impose a term of community custody of one-half of the midpoint of the standard range. ~~If the judge finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.~~

If the judge imposes the **residential substance use disorder treatment-based alternative**, the sentence will consist of a 2-year term of community custody and I will have to enter and remain in a certified residential substance use disorder treatment program for **up to 6 months**, as set by the court. ~~The sentence may also include an indeterminate term of confinement of no more than 30 days while I wait~~

for a direct transfer to a residential substance use disorder treatment facility. If the judge finds that I have failed to comply with treatment and monitoring requirements, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701. If this crime involves domestic violence, I will be required to undergo a comprehensive domestic violence assessment and to participate in a domestic violence treatment program provided by a state-certified treatment provider. The sentence may also include an indeterminate term of confinement of no more than 30 days in a facility operated under contract by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential substance use disorder treatment and a treatment termination hearing scheduled 3 months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the DOC, on my compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring or, in cases of domestic violence, for monitoring with global positioning system technology for compliance with a no-contact order and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(h). On the judge's own initiative, they may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

(wt) The judge may sentence me under the mental health sentencing alternative (MHSA) if I qualify under Laws of 2021, Ch. 242 RCW 9.94A.695. The sentence will be between 12 and 36 months of community custody and include conditions imposed by the court and by DOC. At any time during community custody, the court may schedule a hearing to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. At the review or termination hearing, the court may impose different or additional conditions upon me, require me to serve a term of total or partial confinement, or revoke the sentencing alternative and impose a term of total or partial confinement.

(xu) If I am subject to community custody and the judge finds that I have a chemical dependency substance use disorder that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am

pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.

(yy) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, and if a fine is imposed, \$3,000 of the fine may not be suspended. RCW 69.50.401 (2)(b).

(w) I understand that I am pleading guilty to _____, which is a sentence enhancement under RCW _____. This enhancement adds _____ months onto the end of my standard range sentence listed in Section 6(b). I understand that enhancements are mandatory, shall be served in total confinement (except for protected zone enhancements under RCW 9.94A.533(6)), and shall run consecutively to all other sentencing provisions.

(z) If this crime involves a violation of the state drug laws, my eligibility for state and federal education benefits may be affected. 20 U.S.C. § 1091(r).

(aa) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds that I used a motor vehicle in the commission of this felony.

(bb) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under chapters 69.41 [legend drug], 69.50 [violation of the Uniform Controlled Substances Act], or 69.52 [imitation drugs] RCW, and I was under the age of 21 at the time of the offense, or (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm) and I was under the age of 18 at the time of the offense, or (c) the current offense is a violation under chapter 66.44 RCW [alcohol] and I was under the age of 18 at the time of the offense, and if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(cc) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520, an impaired driving enhancement of an additional 2 years shall be added to the standard sentence range for vehicular homicide for each prior offense as defined in RCW 46.61.5055(14). All impaired driving enhancements are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under chapter 9.94A RCW.

(dd) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will may be required to pay the costs of treatment, unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.

____ (ee) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520, or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who was an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under chapter 9.94A RCW.

____ (ffy) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520 (1)(a) or 46.61.522 (1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

____ (ggz) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

____ (hhaa) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005 by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(n).

____ (iiibb) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

____ (jj) The offense(s) I am pleading guilty to include(s) a violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

____ (kk) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

____ (llcc) If I am pleading guilty to (1) unlawful possession of a firearm, (s) in the first or second degree and (2) felony theft of a

~~firearm, or possession of a stolen firearm, I am required to serve the sentences for these crimes consecutively to one another. If I am pleading guilty to unlawful possession of more than one unlawful possession of a firearm, I must serve each of the sentences for unlawful possession consecutively to each other.~~

~~(mm) If I am pleading guilty to a felony firearm offense as defined in RCW 9.41.010, I may be required to register as a felony firearm offender under RCW 9.41.330. I will be required to register as a felony firearm offender if I committed the felony firearm offense in conjunction with an offense committed against a person under age 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.~~

~~(nn) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months, if this is my first conviction, and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.~~

~~(oo) The judge may authorize work ethic camp. To qualify for work ethic authorization, my term of total confinement must be more than 12 months and less than 36 months, I cannot currently be either pending prosecution or serving a sentence for violation of the Uniform Controlled Substances Act, and I cannot have a current or prior conviction for a sex or violent offense.~~

~~(pp) The judge may sentence me under the theft or taking of a motor vehicle sentencing option, RCW 9.94A.711, if I am pleading guilty to one of the following a qualifying crime, committed on or after July 28, 2019, and the midpoint of the standard sentence range is greater than 1 year: Theft of a motor vehicle (RCW 9A.56.065) or an attempt; Possession of a stolen vehicle (RCW 9A.56.068) or an attempt; Taking a motor vehicle without permission in the first degree (RCW 9A.56.070); or Taking a motor vehicle without permission in the second degree (RCW 9A.56.075). My sentence would include 6 to 12 months of community custody and the sentence of confinement could not exceed the midpoint of the standard range reduced by one-third of the community custody term.~~

~~(qq) If I am pleading guilty to Animal Cruelty in the First Degree I will be permanently prohibited from owning, caring for, or residing with any animal. RCW 16.52.200.~~

~~(gg) If I am pleading guilty to aggravated murder in the first degree and I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime. If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years.~~

7. I plead guilty to:

count _____

count _____

count _____

count _____

in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea, except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of the crime, including enhancements and domestic violence relationships, if they apply. This is my statement:

Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

~~12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs, the "Offender Registration" attachment, and the "Felony Firearm Registration" attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I understand the above paragraphs and the "Offender Registration" attachment, if applicable. I have no further questions to ask the judge.~~

Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney

Defendant's Lawyer

Print Name

WSBA No.

Print Name

WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to the defendant the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

Interpreter Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently, and voluntarily made. Defendant understands the charges and the direct consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Superior Court of Washington for _____	State of Washington Plaintiff, v. Defendant	No. Statement of Defendant on Plea of Guilty to Sex Offense (Felony) (STTDFG)
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1. My true name is: _____.
2. My age is: _____.
3. The last level of education I completed was: _____.
4. **I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: _____.

The elements are: _____.

5. I Understand I Have the Following Important Rights and I Give Them Up the Following Important Rights by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;

(b) The right to remain silent before and during trial, ~~and the right to refuse to testify against myself~~;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify ~~in my defense; for me. These witnesses can be made to appear at no expense to me;~~

(e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt ~~or I enter a plea of guilty; and~~

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of My Guilty Plea, I Understand That:

(a) My right to appeal is limited.

(b) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1					
2					
3					

* The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (P16) Passenger(s) under age 16.

(c) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(d) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. ~~If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.~~

(e) ~~If I committed the above crime(s) while under age 18 and am sentenced to more than 20 years of confinement:~~

(i) ~~As long as my conviction is not for aggravated first degree murder or certain sex crimes, and I have not been convicted of any crime committed after I turned 18 or committed a major disqualifying serious infraction as defined by DOC in the 12 months before the petition is filed, I may petition the Indeterminate Sentence Review Board (Board) for early release after I have served 20 years.~~

(ii) ~~If I am released early because my petition was granted or by other action of the Board, I will be subject to community custody under the supervision of the DOC for a period of time determined by the Board, up to the length of the court-imposed term of incarceration. I will be required to comply with any conditions imposed by the Board.~~

(iii) ~~If I violate the conditions of community custody, the Board may return me to confinement for up to the remainder of the court-imposed term of incarceration.~~

(f) ~~If I committed aggravated murder in the first degree and I was under the age of 18 at the time of the offense:~~

(i) ~~If I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime.~~

(ii) ~~If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years and may be as long as life without the possibility of parole or early release for that crime.~~

(iii) ~~During the minimum term, I will not be eligible for earned early release time, home detention, partial confinement, work release, or any form of early release.~~

(iv) ~~After the minimum term, if I am released by the Sentence Review Board (Board), I will be subject to community custody under the supervision of the DOC for a period of time determined by the board, and must comply with conditions imposed.~~

(v) ~~If I violate the conditions of community custody, the Board may return me to confinement.~~

(ge) ~~If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. If this occurs, I cannot change my mind and withdraw this guilty plea. If additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.~~

(hf) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and

any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees, and the costs of incarceration.

(ig) For sex offenses committed prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9.94A.507: If this offense is any of the offenses listed in subsections (aa) or (bb) below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	

Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is a sex offense that is not listed in paragraph 6 (i) then, in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree, or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes a special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the ~~DOC court~~ may sanction me up to 60 days confinement per violation, and/or revoke my earned early release, or The Department of Corrections (DOC) may sanction me up to 30 days confinement per violation and/or revoke my earned early release, or the DOC may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(j)h) The prosecuting attorney will make the following recommendation to the judge: _____

The prosecutor will recommend, as stated in the plea agreement, which is incorporated by reference.

(k) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so or I was under the age of 18 when I committed this crime. If I was over the age of 18 when I committed this crime, the judge must impose a sentence within the standard range unless the judge finds sub-

stantial and compelling reasons not to do so. If I was under the age of 18 when I committed this crime, the judge has the discretion to impose an exceptional sentence downward. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an to an exceptional sentence, and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

(iv) If I committed this crime and the sentencing enhancement when I was under the age of 18, the judge must consider mitigating circumstances related to my youth, including, but not limited to, immaturity, impetuosity and failure to appreciate risks and consequences, the nature of my surrounding environment and family circumstances, the extent of my participation in the crime, the way familial and peer pressures may have affected me, how youth impacted any legal defense, and any factors suggesting that I might be successfully rehabilitated. If I am convicted of a sentencing enhancement, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding my youth into account.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(l)j) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization, pursuant to the laws of the under United States law.

(mk) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. As a result of this conviction, I must immediately surrender any concealed pistol license(s) and I may not possess a firearm or ammunition unless the right to do so is restored by a court of record.

(n) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3; RCW 29A.04.079; RCW 29A.08.520.

(o) Government assistance may be suspended during any period of confinement.

(pl) I will be required to register where I reside, study, or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(em) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee, unless a DNA collection fee has previously been ordered.

(n) The clerk of the court is required to report this conviction to various administrative entities, which will result in civil consequences. I will lose the right to vote until the right is restored in the manner provided by law. Also, I may be ineligible to hold a driver's license or receive government assistance. Other consequences may apply based on my specific circumstances.

Notification Relating to Specific Crimes: If any of the following paragraphs do not apply, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that do apply.

(ro) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree; or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation; or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(sp) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(hi). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(~~tg~~) (i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6 (~~tg~~) (i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(~~hi~~). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

(~~tg~~) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$115.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150. If I am convicted under RCW 26.50.110 for a violation of a domestic violence protection order issued under chapter 26.50 RCW, the court shall impose a mandatory fine of \$15.00.

(~~ur~~) If I am subject to community custody and the judge finds that I have a ~~chemical dependency substance use disorder~~ that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty. Rehabilitative programs may include an order to obtain an evaluation for alcohol or controlled substance chemical dependency treatment. The court may also prohibit me from possessing or consuming alcohol or controlled substances without a valid prescription.

(v) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

(w) I understand that RCW 46.20.265 requires that my driver's license be revoked if (a) the current offense is a violation under chapters 69.41 [legend drug], 69.50 [Violation of the Uniform Controlled Substances Act], or 69.52 [imitation drugs] RCW, and I was under the age of 21 at the time of the offense ~~or~~ (b) the current offense is a violation under RCW 9.41.040 (unlawful possession of firearm), and I was under the age of 18 at the time of the offense ~~or~~ (c) the current offense is a violation under chapter 66.44 RCW [alcohol], and I was under the age of 18 at the time of the offense, ~~AND~~ if (a), (b), or (c) applies, the court finds that I previously committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(xs) If I am pleading guilty to felony driving under the influence of ~~intoxicating liquor~~, or any drugs, or felony actual physi-

cal control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I ~~will~~ may be required to pay the costs of treatment, unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.

(y) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under chapter 9.94A RCW.

(t) I understand that I am pleading guilty to _____, which is a sentence enhancement under RCW _____. This enhancement adds _____ months to the end of my standard range sentence listed in Section 6(b). I understand that enhancements are mandatory, shall be served in total confinement (except for protected zone enhancements under RCW 9.94A.533(6)), and shall run consecutively to all other sentencing provisions.

(zu) I am pleading guilty to the crime of driving without a required ignition interlock device (RCW 46.20.740), or the crime of circumventing or tampering with a required ignition interlock device (RCW 46.20.750(1)), and the offense occurred on or after September 26, 2015. The sentence for that offense must be served consecutively with any other sentence imposed for violations of either of those statutes and with any sentence imposed under RCW 46.61.502 (DUI), RCW 46.61.504 (physical control under the influence), or RCW 46.61.5055. The sentence for violation of RCW 46.20.750(1) also must be served consecutively with any sentence imposed under RCW 46.61.520 (1)(a) or 46.61.522 (1)(b) (vehicular homicide/assault while under the influence of alcohol/drugs).

(aa) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

(bbw) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(s).

(eex) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the

sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

_____ (dd) If I am pleading guilty to a felony firearm offense as defined in RCW 9.41.010, I may be required to register as a felony firearm offender under RCW 9.41.330. I will be required to register as a felony firearm offender if I committed the felony firearm offense in conjunction with an offense committed against a person under age 18, or a serious violent offense or offense involving sexual motivation as defined in RCW 9.94A.030. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.

_____ (ee) The offense(s) I am pleading guilty to include a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

_____ (ff) For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree, and I engaged, agreed, or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.

_____ (ggz) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

_____ (hhaa) If I am pleading guilty to possession of depictions of a minor engaged in sexually explicit conduct in the first or second degree, the court will impose a fee of \$1,000 for each depiction or image that is a separate conviction.

_____ (bb) If I am pleading guilty to aggravated murder in the first degree and I was under the age of 16 at the time of the offense, the judge will impose a maximum term of life and impose a minimum term of total confinement of 25 years for that crime. If I was at least 16 but less than 18 years old at the time of the offense, the judge will impose a maximum term of life and will impose a minimum term of total confinement that is at least 25 years.

7. I plead guilty to:

count _____

count _____

count _____

count _____

in the _____ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime, including enhancements and domestic violence relationships if they apply. This is my statement:

[] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. ~~My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the I understand the above paragraphs and the "Offender Registration" Attachment, and the "Felony Firearm Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty."~~ I have no further questions to ask the judge.

Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

Prosecuting Attorney

Print Name

WSBA No.

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently, and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: _____

Judge

"Felony Firearm Registration" Attachment [Unchanged]

"Offender Registration" Attachment [Unchanged]

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 22-15-001
NOTICE OF APPEAL
OFFICE OF THE GOVERNOR
[Filed July 6, 2022, 12:13 p.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On July 6, 2022, the Governor's Office received an appeal from Kenneth Harp, relating to the State Board of Health's denial of a petition to repeal or amend WAC 246-105-070 (*Duties of health care providers or organizations*).

DATE: July 6, 2022

Taylor K. Wonhoff
Deputy General Counsel
to the Governor

WSR 22-15-005
NOTICE OF PUBLIC MEETINGS
FREIGHT MOBILITY
STRATEGIC INVESTMENT BOARD
[Filed July 6, 2022, 3:22 p.m.]

2023 Board Meeting Locations/Schedule

January 20, 2023	Olympia
March 17, 2023	Port of Kalama
June 2, 2023	Stevenson
September 15, 2023	Walla Walla
November 17, 2023	Vancouver

WSR 22-15-006
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
[Filed July 6, 2022, 3:59 p.m.]

2022 MEETING CALENDAR

Date	Meeting Type
January 13-15	Webinar
January 28	Web conference
February 17-19	Webinar
March 17-19	Webinar
April 7-9	Webinar
May 13	Web conference
June 10	Web conference
June 23-25	Hybrid/in-person - Olympia
July 15	Web conference
August 4-6	Hybrid/in-person - Clarkston
August 26	Web conference
September 22-24	Hybrid/in-person - Ocean Shores
October 7	Web conference
October 27-29	Hybrid/in-person - Colville
November 18	Web conference
December 8-10	Webinar

Commission meetings are open to the public. Meeting agendas, minutes, and recordings are available on the commission's website.

**WSR 22-15-008
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION**
[Filed July 6, 2022, 4:32 p.m.]

Following is the revised schedule of the 2022 meeting dates for the Washington state criminal justice training commission (WSCJTC).

The meetings will be held virtually and/or at WSCJTC located at 19010 1st Avenue South, Burien, WA 98148. The agendas posted prior to each meeting will indicate whether in-person attendance is authorized and if so, detail the room number.

Date	Time	Location
Wednesday, August 31, 2022	10:00 a.m.	WSCJTC or virtual meeting

If you have questions, please call Monica Alexander at 206-835-7372.

WSR 22-15-009

NOTICE OF PUBLIC MEETINGS
EMPLOYMENT SECURITY DEPARTMENT(Agricultural and Seasonal Workforce Services Advisory Committee)
[Filed July 7, 2022, 1:36 p.m.]Meeting Dates - January 2022 - January 2023
Third Thursday, unless otherwise indicated

Date	Location	Notes
January 20, 2022	Virtual TBD	^Recorded meeting
February 17, 2022	Virtual TBD	^Recorded meeting
March 17, 2022	Virtual TBD	^Recorded meeting
April 21, 2022	Virtual TBD	^Recorded meeting
May 19, 2022	Virtual TBD	^Recorded meeting
June 16, 2022	Virtual TBD	^Recorded meeting
July 21, 2022	Virtual TBD	^Recorded meeting
July 28, 2022	Virtual TBD	^Recorded meeting - additional meeting
August 18, 2022	Virtual TBD	^Recorded meeting
September 15, 2022	Virtual TBD	^Recorded meeting
October 20, 2022	Virtual TBD	^Recorded meeting
November 17, 2022	Virtual TBD	^Recorded meeting
December 15, 2022	Virtual TBD	^Recorded meeting
January 19, 2023	Virtual TBD	^Recorded meeting

Per vote of agricultural and seasonal workforce services advisory committee members, meetings are being recorded as of [the] May 21, 2020, meeting.

[^] RECORDING DISCLAIMER: This meeting may be recorded. Please be advised that if the meeting is recorded, your image will be captured and recorded during the videoconference. Your participation in this video conference equals consent to be recorded as required by law. Questions about the collection may be addressed to agricultural and seasonal workforce services at 815 North Kellogg Street, Suite D, Kennewick, WA 99336.

**WSR 22-15-011
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY**
[Filed July 7, 2022, 3:23 p.m.]

Pursuant to RCW 42.30.075, following is the schedule of regular meetings for the board of trustees of Lake Washington Institute of Technology for 2022-23:

Date	Time
September 12, 2022	3 to 6 p.m.
October 10, 2022	4 to 6 p.m.
November 14, 2022	4 to 6 p.m.
December 12, 2022	12 to 2 p.m.
January 9, 2023	4 to 6 p.m.
February 13, 2023	4 to 6 p.m.
March 13, 2023	12 to 5 p.m.
April 10, 2023	4 to 6 p.m.
May 8, 2023	9 a.m. to 3 p.m.
June 5, 2023	4 to 6 p.m.

All board meetings will take place in the Board Room, W305. If you need further information, please contact Elsa Gossett, 11605 132nd Avenue N.E., Kirkland, WA 98034, 425-739-8102, elsa.gossett@lwtech.edu, www.lwtech.edu/about/trustees/.

**WSR 22-15-014
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
[Filed July 8, 2022, 2:12 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: Administrative Policy 3.04: Claims Officers Handling Cases in Tribal Court.

Subject: DCS AP 3.04.

Effective Date: July 5, 2022.

Document Description: This administrative policy explains how the DCS's claims officers are authorized to appear in tribal court on behalf of DCS.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5178, TDD/TTY 360-753-9122, fax 360-664-5342, email Kirsten.Turner@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

**WSR 22-15-015
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
[Filed July 8, 2022, 2:14 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: Policy Clarification Memo (PCM) 22-004: Changes to the Retained Support Referral Threshold.

Subject: DCS PCM 22-004.

Effective Date: June 28, 2022.

Document Description: This PCM explains how DCS will increase the threshold for retained support referrals sent to the office of financial recovery from \$50 to \$1,000 as of July 1, 2022. This change is in response to the governor's poverty reduction initiative and aligns with efforts to reduce poverty.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5178, TDD/TTY 360-753-9122, fax 360-664-5342, email Kirsten.Turner@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 22-15-016

AGENDA

DEPARTMENT OF AGRICULTURE

[Filed July 11, 2022, 7:59 a.m.]

Following is the department of agriculture's semi-annual rules development agenda for the period July 1 through December 31, 2022. This document is being sent in compliance with RCW 34.05.314.

The department may undertake additional rule-making activity as conditions warrant. If you have questions regarding the department's rule-making agenda, please contact Gloriann Robinson at 360-902-1802 or grobinson@agr.wa.gov.

**SEMI-ANNUAL RULES DEVELOPMENT AGENDA
July 1 - December 31, 2022**

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102 CR-105	CR-103	
16-54	Animal importation	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	July 2019	TBD	TBD	Clarifies that dogs imported into Washington state must have a negative heartworm test prior to entry and allows horses to enter the state on an electronic equine certificate of veterinary inspection.
16-70	Animal diseases—Reporting	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	TBD	TBD	TBD	Updates the diseases that need to be reported to the state veterinarian's office and the time frames associated with reporting.
16-80	Swine diseases in Washington state	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	TBD	TBD	TBD	Removes reference to the department's laboratory for blood samples from Washington swine; updates United States Department of Agriculture (USDA) C.F.R. citations.
16-89	Sheep and goat diseases in Washington state	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	July 2019	TBD	TBD	Removes Q fever testing requirements; updates USDA C.F.R. citations.
16-157	Organic food standards and certification	Brenda Book Organic Program Phone 360-902-2090 bbook@agr.wa.gov	Not Applicable	May 2022	July 2022	Adopts the March 30, 2022 version of the USDA organic regulations. Expedited rule making.
16-160	Registration of materials for organic food production	Brenda Book Organic Program Phone 360-902-2090 bbook@agr.wa.gov	October 2019 May 2021	TBD	TBD	Increases registration fees and restructures the fee schedule. Updates the registered material logo.

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102 CR-105	CR-103	
16-228	General pesticide rules	Christina Zimmerman Pesticide Licensing Phone 360-902-2150 czimmerman@agr.wa.gov	November 2018 July 2020 August 2021	June 2022	August 2022	Amends provisions regarding pesticide exams in order to have the option to contract out for third party administration of testing.
16-228	General pesticide rules	Tim Schultz Pesticide Compliance Phone 509-994-0936 tschultz@agr.wa.gov [tschultz@agr.wa.gov]	January 2020 September 2021	July 2022	October 2022	Modifies the penalty calculation for pesticide violations.
16-233	Worker protection standards	Tim Schultz Pesticide Compliance Phone 509-994-0936 tschultz@agr.wa.gov [tschultz@agr.wa.gov]	Not Applicable	August 2022	October 2022	Updates several minor standards to align with labor and industries and Environmental Protections Agency regulations. Expedited Rule Making.
16-240	WSDA grain inspection program—Definitions, standards, and fees	Philip Garcia Grain Inspection Program Phone 360-902-1921 pgarcia@agr.wa.gov	January 2020 April 2022	July 2022	August 2022	Amends the grain inspection fee schedule, updates federal agency references and clarifies language.
16-306	Hemp program	Trecia Ehrlich Hemp Program Phone 360-584-3711 tehrlich@agr.wa.gov	May 2022	July 2022	August 2022	Aligns the rule with the USDA's final rule for the domestic production of Hemp, published in January 2021, and revises current fee schedule.
16-325	Seed potato isolation district	Acting Program Manager Plant Services Program Phone 360-902-2062 nursery@agr.wa.gov	July 2021	August 2022	September 2022	Adds requirements for all lots entering the isolation district to be test free of bacterial ring rot. Provides 48 hour notification to the department of all shipments entering the isolation district. Adds a new violation section regarding the disposition of material shipped into the isolation district violation. <i>Rule making initiated as a result of a petition.</i>

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102 CR-105	CR-103	
16-401	Nursery inspection fees	Acting Program Manager Plant Services Program Phone 360-902-2062 nursery@agr.wa.gov	February 2022	TBD	TBD	Updates fees in this chapter.
16-470	Dressenid mussel quarantine	Acting Program Manager Plant Services Program Phone 360-902-2062 nursery@agr.wa.gov	September 2021	TBD	TBD	Establishes a quarantine on dreissenid mussels (zebra and quagga mussels) and regulates moss balls being shipped into Washington state.
16-470	Japanese beetle quarantine	Greg Haubrich Pest Program Phone 360-902-2071 ghaubrich@agr.wa.gov	August 2021	June 2022	August 2022	Expands the current quarantine to include areas in Washington (portions of Yakima and Benton county) that have been determined to be infested with Japanese beetle and establishes regulated articles that have restricted movement out of the quarantine area.
16-470	Nursery and pest fees	Acting Program Manager Plant Services Program Phone 360-902-2062 nursery@agr.wa.gov	February 2022	TBD	TBD	Updates fees charged by both the nursery/plant services program and plant pathology lab in this chapter.
16-482	Seed potato quarantine	Acting Program Manager Plant Services Program Phone 360-902-2062 nursery@agr.wa.gov	July 2021	August 2022	September 2022	Adds a section stating that potatoes entering the seed potato isolation district are subject to additional requirements under chapter 16-325 WAC. <i>Rule making initiated as a result of a petition.</i>
16-611	Nutrient management	Kyrre Flege Dairy Nutrient Management Program Phone 360-746-1249 kflege@agr.wa.gov	April 2023	TBD	TBD	Updates the recordkeeping requirements for dairy producers.
16-662	Weights and measures—National handbook, sale of motor fuel, and penalties for violations	Brad White Assistant Director Plant Protection Division Phone 360-902-1907 bwhite@agr.wa.gov	August 2021	August 2022	October 2022	Establishes requirements for electric vehicle supply equipment and electric vehicle service providers as outlined in SB [2SSB] 5192.

Gloriann Robinson
Rules Coordinator

WSR 22-15-022
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed July 12, 2022, 9:19 a.m.]

2023 Meeting Schedule

The public employees benefits board (PEBB) meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A & B, 626 8th Avenue S.E., Olympia, WA 98501.

February 2, 2023	9:00 a.m. - 4:00 p.m.
Board retreat	
March 9, 2023	9:00 a.m. - 1:30 p.m.
April 13, 2023	9:00 a.m. - 1:30 p.m.
May 11, 2023	9:00 a.m. - 1:30 p.m.
June 8, 2023	9:00 a.m. - 1:30 p.m.
June 29, 2023	9:00 a.m. - 1:30 p.m.
July 12, 2023	9:00 a.m. - 12:00 p.m.
July 19, 2023	9:00 a.m. - 12:00 p.m.
July 26, 2023	9:00 a.m. - 12:00 p.m.

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at 360-725-0856.

WSR 22-15-023

NOTICE OF PUBLIC MEETINGS

HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Filed July 12, 2022, 9:20 a.m.]

2023 Meeting Schedule

The School Employee Benefits Board (SEBB) meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A & B, 626 8th Avenue S.E., Olympia, WA 98501.

January 26, 2023	9:00 a.m. - 4:00 p.m.
March 2, 2023	9:00 a.m. - 1:30 p.m.
April 6, 2023	9:00 a.m. - 1:30 p.m.
May 4, 2023	9:00 a.m. - 1:30 p.m.
June 1, 2023	9:00 a.m. - 1:30 p.m.
June 22, 2023	9:00 a.m. - 1:30 p.m.
July 6, 2023	9:00 a.m. - 12:00 p.m.
July 13, 2023	9:00 a.m. - 12:00 p.m.
July 20, 2023	9:00 a.m. - 12:00 p.m.

*Meeting times are tentative.

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at 360-725-0856

WSR 22-15-024

DEPARTMENT OF COMMERCE

[Filed July 12, 2022, 10:20 a.m.]

Low-Income Home Energy Assistant Program (LIHEAP) Public Hearing

The Washington state department of commerce (commerce) plans to hold a public hearing on the proposed Washington state model state plan for the 2023 LIHEAP program year.

The hearing will be held on August 22, 2022, from 11 a.m. - 1 p.m. via Microsoft Teams meeting, 1-564-999-2000, ID 766 078 247#.

Written testimony will be accepted up until 5:00 p.m. on August 22, 2022. All written testimony for the LIHEAP hearing should be sent to Attention: Lisa Lipsey, Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525.

If you have any questions or need additional information, please contact Lisa Lipsey at 360-725-2861 or email at lisa.lipsey@commerce.wa.gov.

WSR 22-15-027
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Filed July 12, 2022, 12:57 p.m.]

PUBLIC NOTICE

Chehalis Basin Board August-December 2022 Meeting(s)

The department of ecology's office of Chehalis Basin has determined the Chehalis Basin Board meetings for August 2022 through December 2022 will be held as a hybrid (in-person/virtual webinar) meeting. Board members and staff are encouraged to attend in-person, but public participants should continue attending virtually until further notice. Board meetings will regularly be held in 2022 on the first Thursday of each month.

With current health and safety recognition surrounding the COVID-19 pandemic, the Chehalis Basin board will be determining location and approach for each meeting on a monthly basis from April - December 2022.

Meeting Name: Chehalis Basin board meeting.

Location (Hybrid): Chehalis Tribe Community Center, Secena Road, Oakville, WA 98568; or Zoom online meeting <https://www.zoomgov.com/j/1611950990?pwd=dE95Z3E1WVhNczY5SEQ2YVhRdzNWZz09>, Call-in option 551-285-1373, Meeting ID 161-195-0990.

Date(s): August 4, 2022; October 6, 2022.

Location (Hybrid): Grays Harbor County Commissioner Office, 100 West Broadway Avenue Suite 1, Montesano, WA 98563; or Zoom online meeting <https://www.zoomgov.com/j/1611950990?pwd=dE95Z3E1WVhNczY5SEQ2YVhRdzNWZz09>, Call-in option 551-285-1373, Meeting ID 161-195-0990.

Date(s): September 1, 2022, November 3, 2022.

Location (Hybrid): Lewis County Commissioner Office, 351 Northwest North Street, Chehalis, WA 98532; or Zoom online meeting <https://www.zoomgov.com/j/1611950990?pwd=dE95Z3E1WVhNczY5SEQ2YVhRdzNWZz09>, Call-in option 551-285-1373, Meeting ID 161-195-0990.

Date: December 1, 2022.

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

WSR 22-15-028
AGENDA
OFFICE OF THE
INSURANCE COMMISSIONER
[Filed July 12, 2022, 2:17 p.m.]

Semi-Annual Rule Development Agenda
July 2022

The commissioner has initiated rule making on the following rules. This list is current as of July 7, 2022. There may be additional rule-making activity not included on this agenda and all information referenced is subject to change. For the most up-to-date information, visit our rule-making website <https://www.insurance.wa.gov/legislation-and-rulemaking>.

For questions, please contact Ariele Page Landstrom, rulescoordinator@oic.wa.gov or 360-725-7056.

Summary	Statutory Authority	Potentially Impacted WAC	Status
Health care sharing ministries (Insurance Commissioner Matter R 2021-17)	RCW 48.02.060, 48.17.005, and 48.15.015.	WAC 284-43-8210, 284-43-8220, and 284-43-8230.	CR-101: WSR 21-14-097, filed 7/7/21; CR-102: WSR 21-20-108 filed 10/4/21; Supplemental CR-102: WSR 22-09-056, filed 4/18/22, public hearing 5/26/22
Transparency in insurance underwriting (Insurance Commissioner Matter R 2022-01)	RCW 48.02.060, 48.01.030, 48.18.180, 48.18.2901, 48.18.292, 48.18.480, 48.18.545, 48.19.020, 48.19.035, and 48.30.010.	New sections are being added to chapter 284-30A WAC.	CR-101: WSR 22-04-091, filed 2/1/22
Implementation of E2SHB 1688 Balance Billing Protection Act and the federal No Surprises Act (Insurance Commissioner Matter R 2022-02)	Sections 5, 19, and 20, chapter 263, Laws of 2022 (E2SHB 1688).	WAC 284-43B-010, 284-43B-020, 284-43B-030, 284-43B-040, 284-43B-050, 284-43B-060, 284-43B-085, 284-43B-090, 284-170-200, and 284-170-210. New sections are being added to chapter 284-43 WAC. Other new or amended sections to be determined.	CR-101: WSR 22-10-078, filed 5/3/22
Accessing and receiving health care services and benefits (Insurance Commissioner Matter R 2022-03)	RCW 48.02.060, 48.43.735, 48.43.515; and chapter 236, Laws of 2022 (E2SSB 5702).	WAC 284-170-130. Other new or amended sections to be determined.	CR-101: WSR 22-13-063, filed 6/9/2022
Statement requirement for consumer adverse benefit determination notices (Insurance Commissioner Matter R 2022-04)	RCW 48.02.060 and 48.43.530	WAC 284-43-3070.	CR-101: WSR 22-13-064, filed 6/9/2022

Summary	Statutory Authority	Potentially Impacted WAC	Status
Prescription drug cost sharing (Insurance Commissioner Matter R 2022-05)	Section 1(3), chapter 228, Laws of 2022 (SSB 5610).	WAC 284-44A-010, 284-44A-040, 284-44A-050, 284-46A-010, 284-46A-040, 284-46A-050, 284-58-025, and 284-58-030.	CR-101: WSR 22-13-066, filed 6/9/2022
General filing instructions for carrier submission of provider agreements and HCBM contracts (Insurance Commissioner Matter R 2022-06)	RCW 48.02.060, 48.19.035, 48.43.730, 48.43.731, 48.44.050, 48.46.200, and 48.200.900.	WAC 284-43-5080.	CR-101: WSR 22-13-182, filed 6/22/2022
Small pharmacy appeal reporting requirements (Insurance Commissioner Matter R 2022-07)	RCW 48.02.060, 48.200.280(6), 34.05.485 (1)(c), 48.02.100.	WAC 284-180-520, 284-180-530, and 284-180-540.	CR-101: WSR 22-14-072, filed 6/30/2022

Other Possible Rule-Making Topics: In addition to the rules referenced above, the commissioner continues his effort to update and clarify code, as well as implement recent legislation. A potential list of subjects that may be considered for future rule making include or may include:

- Adjuster issues.
- Annuity marketing and disclosure requirements.
- Balance billing.
- Barriers to patient care access resulting from contracting practices.
- Coordination of benefits.
- Data security and cybersecurity.
- Dental insurance practices.
- Discontinuation and renewal of health plan coverage.
- Discrimination in health care plan design.
- Electronic filing of state specific reporting.
- Electronic notices and document delivery of insurance products.
- Essential health benefits.
- Fixing outdated references.
- Health care coverage.
- Health care benefit managers.
- Holding company regulations.
- Implementation credits.
- Implementation of state or federal legislation or reform Licensing requirements.
- Life and disability issues.
- Life and disability guaranty association.
- Long-term care insurance.
- Market stabilization.
- Medical parity.
- Minimum valuation standards.
- NAIC model act and regulation implementation.
- Pharmacy formulary tiers.
- Pharmacy exceptions, substitutions and appeals process.
- Pediatric dental.
- Prelicensing insurance education.
- Producer issues, including commissioner and education requirements.

Property and casualty issues.

Ride-sharing insurance coverage.

Summary of health insurance benefits coverage.

Rating variables.

Reproductive health issues.

In addition to the above-mentioned topics, any person may petition the office of the insurance commissioner under RCW 34.05.330 requesting the adoption, amendment, or repeal of any rule.

Mike Kreidler
Insurance Commissioner

WSR 22-15-034
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
[Filed July 14, 2022, 7:09 a.m.]

Following is the schedule of regular meetings for the Washington traffic safety commission for 2023:

Date	Time	Location
January 19, 2023	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
April 20, 2023	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
July 20, 2023	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
October 19, 2023	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944

If you need further information, please contact Geri M. Nelson at 360-725-9898 or gnelson@wtsc.wa.gov.

WSR 22-15-037

AGENDA

DEPARTMENT OF LICENSING

[Filed July 14, 2022, 8:36 a.m.]

Semi-Annual Rule-Making Agenda
July through December, 2022

This report details current and anticipated rule-making activities for the department of licensing (DOL). This agenda is sent as a requirement of RCW 34.05.314. If you have any questions regarding this report or DOL rule-making activities, please contact Ellis Starrett at 360-902-3846 or rulescoordinator@dol.wa.gov.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional DOL rule-making activities that cannot be forecasted as DOL initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "**Key**" below for explanations of terms and acronyms.

Key

CR means "Code Reviser" on notice forms created by the office of the code reviser for use by all state agencies.

CR-101 is a Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102 is a Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an Expedited rule-making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

CR-103P is a Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-103E Emergency rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103E Rule-making order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

RCW is the Revised Code of Washington.

WSR number is the Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

Proposed Rule Making				
Rule	Scope	Agency Contact	Deadline	Legislation Effective Date
Public records fees, WAC 308-10-055	Adopts standard language to allow DOL to collect fees for qualifying records requests.	Annette Gavette agavette@dol.wa.gov	N/A	N/A
WAC 308-10-075 and 308-10-087	Clarifies who may release vehicle owner name and address information.	Annette Gavette agavette@dol.wa.gov	N/A	N/A

Proposed Rule Making				
Rule	Scope	Agency Contact	Deadline	Legislation Effective Date
SHB 1269 Vehicle transporter plates, WAC 308-80-020	May need to be updated during bill implementation.	Kelsey Stone kelsey.stone@dol.wa.gov	N/A	N/A
WATV Titling, chapter 308-94A WAC	Will allow DOL to clarify the registration process for wheeled all-terrain vehicles.	Carl Backen cbacken@dol.wa.gov	N/A	N/A
CDL surrender	Draft rules in Title 308 WAC that clarify DOL's CDL surrender policy.	Ellis Starrett estarrett@dol.wa.gov	N/A	N/A
DTS out-of-state licensed/unlicensed driver under 18, waiver of traffic safety education course	Further explain DOL's application of RCW 46.20.100 and how it applies to both licensed and unlicensed drivers who are under 18 and applying for a Washington state driver's license.	Ellis Starrett estarrett@dol.wa.gov	N/A	N/A
DVR, WAC 308-59-510 TBD vehicle fee exemptions, and WAC 308-57-140 RTA/MVET tax exemptions	Update WAC to bring them into compliance.	Carl Backen cbacken@dol.wa.gov	N/A	N/A
WAC 308-61 Abandoned recreational vehicles clarity update	Update WAC for clarity and to address stakeholder workgroup requests.	Carl Backen cbacken@dol.wa.gov	N/A	N/A

Ongoing Rule making				
Rule	Scope	Agency Contact	CR-101	CR-102
SB 5378 Implementation WSR 22-04-013	Implements SB 5378 which created a new educational requirement related to the Fair Housing Act for real estate licensees.	Kelsey Stone kelsey.stone@dol.wa.gov	November 1, 2021	N/A
Business and Professions Fee Increases: WSR 22-03-102, 22-03-103, 22-03-104, 22-03-105	Fees are being raised to address a negative fund balance in the 06L Account.	Ellis Starrett estarrett@dol.wa.gov	January 19, 2022	N/A
WATV titling, chapter 308-94A WAC: WSR 21-10-092, 22-14-107	Adding new sections to chapter 308-94A WAC will allow DOL to clarify the registration and titling process for wheeled all-terrain vehicles.	Carl Backen cbacken@dol.wa.gov	May 4, 2021	July 6, 2022
Data Privacy WSR 21-10-098	Implementing SSB 5152, Enhancing data stewardship and privacy protections for vehicle and driver data.	Annette Gavette agavette@dol.wa.gov	May 5, 2021	N/A

Ellis Starrett
Rules Coordinator

**WSR 22-15-041
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE**
[Filed July 14, 2022, 12:28 p.m.]

This notice is in accordance with RCW 42.30.075 that the board of trustees for Big Bend Community College, District No. 18, may hold in-person meetings and discontinue the use of Zoom for open public meetings. Future scheduled meetings include:

Thursday, August 25, 2022, Retreat.

Thursday, October 13, 2022, at 1:30 p.m.

Thursday, December 1, 2022, at 1:30 p.m.

If you have questions, please feel free to call.

WSR 22-15-042**AGENDA****EASTERN WASHINGTON UNIVERSITY**

[Filed July 14, 2022, 2:39 p.m.]

SEMI-ANNUAL RULE DEVELOPMENT AGENDA**July - August 2022**

In accordance with RCW 34.05.314, Eastern Washington University publishes the following semi-annual rule development agenda. This agenda is for informational purposes only and items and dates listed below are tentative.

Additional rule development activity not on the agenda may occur as conditions warrant.

If you have questions about this rule development agenda, please contact Annika Scharosch, Associate Vice President, Tawanka 211, Cheyney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu.

WAC Citation	Subject Matter	Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
172-121	Student conduct code	Expected 8/1/2022	Expected 10/1/2022	Expected 12/7/2022

WSR 22-15-045

AGENDA

MILITARY DEPARTMENT

[Filed July 15, 2022, 7:29 a.m.]

**Semi-Annual Rule-Making Agenda
July 1 - December 31, 2022**

Following is the Washington military department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about the agenda, please contact Cynthia Whaley, Military Department Rules Coordinator, Building 1, Camp Murray, WA 98430, phone 253-512-8110, email cynthia.whaley@mil.wa.gov.

WAC Citation	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
118-04	Updating the rules to the emergency worker program.	Amy Albritton 253-921-3502 amy.albritton@mil.wa.gov	To be determined	To be determined	To be determined
118-30	Updating the rules to the local emergency management/services organizations, plans, and programs.	Michael Roberson 253-512-7065 michael.roberson@mil.wa.gov	To be determined	To be determined	To be determined
118-40	Updating the rules to the hazardous chemical emergency response planning and community right-to-know reporting.	Stephen (Troy) Newman 253-512-7041 stephen.newman@mil.wa.gov	To be determined	To be determined	To be determined
323-10	To establish the procedures, the military department will follow in order to provide full access to public records.	Cynthia Whaley 253-512-8110 cynthia.whaley@mil.wa.gov	2/23/2022	4/14/2022	6/21/2022
118-66	Updating the rules concerning 911 account moneys.	Adam Wasserman 253-512-7468 adam.wasserman@mil.wa.gov	To be determined	To be determined	To be determined

WSR 22-15-047

**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

(Habitat and Recreation Lands Coordinating Group)
[Filed July 15, 2022, 9:22 a.m.]

The habitat and recreation lands coordinating group is changing the **time and location** of the regularly scheduled and coordination forum meeting on August 24, 2022:

FROM: Habitat and recreation lands coordinating group regular meeting, on August 24, 2022, from 9:00 a.m. to 1:00 p.m., Room 172, Natural Resource Building, 1111 Washington Street S.E., Olympia, WA 98501.

TO: Habitat and recreation lands coordinating group regular meeting, on August 24, 2022, from **10:00 a.m. to 12:00 p.m.**, Room 172, Natural Resource Building, 1111 Washington Street S.E., Olympia, WA 98501, and **online via Zoom**.

For further information, please check recreation and conservation office's (RCO) web page at Habitat and Recreation Lands Coordinating Group - RCO (wa.gov) or contact Julia McNamara, Interim Board Liaison, 1111 Washington Avenue S.E., 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-819-3345, fax 360-902-3026, Julia.McNamara@rco.wa.gov, www.rco.wa.gov; or Nicholas Norton, Planning and Policy Specialist, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-628-9484, fax 360-902-3026, Nicholas.Norton@rco.wa.gov, www.rco.wa.gov.

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email Leslie.Frank@rco.wa.gov.

WSR 22-15-054
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL
[Filed July 15, 2022, 3:03 p.m.]

August quarterly meeting: Hybrid meeting, with the option to attend in-person or via Zoom, on Thursday, August 11, 2022, at 9:00 a.m. - 3:00 p.m. Zoom meeting will be open starting at 8:45 a.m. if you want to check your connection. Public comment is from 2:35 - 2:45 p.m.; and on Friday, August 12, 2022, at 9:00 - 11:30 a.m. Zoom meeting will be open starting at 8:45 a.m. if you want to check your connection.

To attend in-person, join us at Moses Lake Best Western Lake Front Hotel conference room, 3000 West Marina Drive, Moses Lake, WA.

To attend virtually, join Zoom meeting <https://dshs-telehealth.zoom.us/j/81016221593?pwd=bC9EVVhHS3RsVkExSkc2azdwSVVYQT09>, Meeting ID 810 1622 1593, Passcode 397717; join by phone 253-215-8782.

To request a reasonable accommodation such as an ASL interpreter, a spoken language interpreter, or to provide a written comment, please contact the Washington state rehabilitation council office by emailing wsrc@dshs.wa.gov or calling 360-791-5473 no later than Friday, July 22, 2022.

**WSR 22-15-055
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL**
[Filed July 15, 2022, 3:03 p.m.]

The Washington state independent living council has made the following modifications to its 2022 quarterly meeting schedule:

Thursday, October 6, 2022: This meeting will be held from 10 a.m. - 5 p.m. online via Zoom. A time for public comment will be available. All are welcome to attend. Join Zoom meeting <https://dshs-telehealth.zoom.us/j/87480390861?pwd=d044ODAydk80TmF4eFBOaHBtaDJiQT09>, Meeting ID 874 8039 0861, phone audio 253-215-8782.

WSR 22-15-058
NOTICE OF PUBLIC MEETINGS
COMMUNITY ECONOMIC
REVITALIZATION BOARD
[Filed July 15, 2022, 3:48 p.m.]

2022 Meeting Schedule

The community economic revitalization board (CERB) will hold regularly scheduled business meetings on the following dates:

2022 Meetings	Location
January 20, 2022	Online via Zoom
March 17, 2022	Lacey Conference Center
May 19, 2022	Lacey Conference Center
July 21, 2022	Lacey Conference Center
September 15, 2022	Best Western Hotel Washougal, Washington
November 17, 2022	Lacey Conference Center

The meetings begin at 9:00 a.m.

The link and password to the online meetings will be posted on our website one week prior to each meeting www.commerce.wa.gov/cerb.

Please contact the CERB main line at 360-764-9820 for additional information, or find us on the web at www.commerce.wa.gov/cerb.

**WSR 22-15-061
POLICY STATEMENT
DEPARTMENT OF HEALTH**
[Filed July 16, 2022, 9:26 a.m.]

**NOTICE OF ADOPTION
POLICY STATEMENT**

Title of Policy Statement: Telemedicine. Policy Number: OP22-01.
Issuing Entity: Board of osteopathic medicine and surgery.
Subject Matter: Defining and providing guidance on telemedicine usage.

Effective Date: March 28, 2022.

Contact Person: Becky McElhiney, osteopathic@doh.wa.gov, 360-236-4766.

**WSR 22-15-062
PUBLIC RECORDS OFFICER
EMPLOYMENT SECURITY DEPARTMENT**
[Filed July 18, 2022, 8:17 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state employment security department is Emily Kok, P.O. Box 9046, Olympia, WA 98507, phone 844-766-8930, fax 866-610-9225, email emily.kok@esd.wa.gov and recordsdisclosure@esd.wa.gov.

Katherine Bodnar
Acting Chief Data Privacy Officer

WSR 22-15-064
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO CRLJ 43—) NO. 25700-A-1455
TAKING OF TESTIMONY)

The District and Municipal Court Judges' Association, having recommended the adoption of the proposed amendment to CRLJ 43—Taking of Testimony, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendment as shown below is adopted.
- (b) That the proposed amendment will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Johnson, J.

Gordon McCloud, J.

Madsen, J.

Yu, J.

Owens, J.

Whitener, J.

Stephens, J.

CRLJ 43
TAKING OF TESTIMONY

(a) Testimony.

(1) *Generally.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

(2) [Unchanged.]

(b) - (k) [Unchanged.]

WSR 22-15-065
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO GR 22—ACCESS) NO. 25700-A-1456
TO FAMILY LAW AND)
GUARDIANSHIP COURT RECORDS)

The District and Municipal Court Judges' Association, having recommended the adoption of the proposed amendment to GR 22—Access to Family Law and Guardianship Court Records, and the Court having considered the proposed amendment, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendment as shown below is adopted.
- (b) That the proposed amendment will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Johnson, J.

Gordon McCloud, J.

Madsen, J.

Yu, J.

Owens, J.

Whitener, J.

Stephens, J.

GR 22

ACCESS TO FAMILY LAW, AND GUARDIANSHIP, AND THERAPEUTIC COURT RECORDS

(a) Purpose and Scope of this Rule. This rule governs access to family law, and guardianship, and therapeutic court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

(1) - (8) [Unchanged.]

(9) "Therapeutic court cases" means any case in which a party is receiving treatment pursuant to a therapeutic court program under chapter 2.30 RCW, other than proceedings under chapter 13.34 RCW.

(c) Access to Family Law, or Guardianship, and Therapeutic Court Records.

(1) [Unchanged.]

(2) *Restricted Access.* The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e) (2) (B), copies of any unredacted Judicial Information System (JIS) database information considered by the court for parenting plan approval as set forth in (f) of this rule, and any Personal In-

formation Sheet necessary for JIS purposes, and evaluations and reports pursuant to chapter 10.77 RCW, therapeutic court risk/needs assessments, treatment evaluation and treatment compliance forms used in therapeutic court cases or otherwise ordered by a court, shall only be accessible as provided in sections (h) and (i) herein.

(3) [Unchanged.]

(d) **Restricted Personal Identifiers Not Required—Except.** Parties to a family law case or the respondent, individual subject to guardianship, conservatorship or other protective arrangement, or other party in a guardianship case or defendants in a therapeutic court or those ordered to do treatment by a therapeutic court shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1)-(3) [Unchanged.]

(e) Filing of Reports in Family Law, and Guardianship, and Therapeutic Court cases Cover Sheet.

(1) This section applies to documents that are intended as reports to the court in Family law, and Guardianship, and therapeutic court cases including, but not limited to, the following:

(A) [Unchanged.]

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court, or created for a therapeutic court purpose or otherwise ordered by a court;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert, or created for a therapeutic court purpose or otherwise ordered by a court;

(D) Treatment evaluation and compliance reports required by a therapeutic court or otherwise ordered by a court;

(E) Mental health competency evaluations;

(F) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

(G) Sexual abuse evaluations; and

(H) Reports of a guardian ad litem or Court Appointed Special Advocate or visitor or court visitor.

(2)-(3) [Unchanged.]

(f)-(g) [Unchanged.]

(h) Access by Courts, Agencies, and Parties to Restricted Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law, or guardianship, or therapeutic court cases:

(A)-(B) [Unchanged.]

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law, or guardianship, or therapeutic court case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A)-(C) [Unchanged.]

(i) [Unchanged.]

WSR 22-15-066
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO CrRLJ 3.4—) NO. 25700-A-1457
PRESENCE OF THE DEFENDANT)

The District and Municipal Court Judges' Association, having recommended the adoption of the proposed amendments to CrRLJ 3.4—Presence of the Defendant, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendments as shown below are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Madsen, J.

Yu, J.

Owens, J.

CrRLJ 3.4 PRESENCE APPEARANCE OF THE DEFENDANT

(a) Presence Defined. Unless a court order or this rule specifically requires the physical presence of the defendant, the defendant may appear remotely or through counsel. Appearance through counsel requires that counsel either (i) present a waiver the defendant has signed indicating the defendant wishes to appear through counsel or (ii) affirm, in writing or in open court, that this is the defendant's preference. **Appearance Required.** The appearance of the defendant is required at all hearings set by the Court.

(b) Definitions. For purposes of this rule, "appear" or "appearance" means the defendant's physical appearance, remote appearance, or appearance through counsel.

(1) "Physical appearance" means the defendant's appearance pursuant to the CrRLJ 3.3(a) definition of appearance.

(2) "Remote appearance" means the defendant appears through a telephonic or videoconference platform approved by the Court.

(3) "Appearance through counsel" means that counsel appears on behalf of the defendant. Appearance through counsel requires that counsel affirm, in writing or in open court, that they have consulted with the defendant since the last appearance and that the defendant waives the right to be present at the instant hearing.

(b) (c) When Physical Appearance Is Required Necessary. The defendant's physical appearance shall be present physically or remotely (in the court's discretion) is required at arraignment (if one is held), at every stage of the trial including the empaneling of the jury, and the returning of the verdict, and at the imposition of imposing the sentence, and at hearings set by the Court upon a finding of

good cause, except as otherwise provided by these rules, or as excused or excluded by the court for good cause shown.

(e) (d) Effect of Voluntary Absence. The defendant's voluntary absence after the trial has commenced in their presence shall not prevent continuing with the trial to and including the return of the verdict. A corporation may appear by its lawyer through counsel for all purposes. In prosecutions for offenses punishable by fine only, the court, with the defendant's written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence.

(d) (e) Defendant Not Present. Failure To Appear. If in any case the defendant fails to appear is not present when their personal attendance appearance is necessary required, the court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases.

(e) Videoconference Proceedings.

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to this rule and CrRLJ 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in person hearing, which may in the trial court judge's discretion be granted.

(2) Agreement. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.

(3) Standards for Videoconference Proceedings. The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. Videoconference facilities must provide for confidential communications between attorney and client, including a means during the hearing for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers. For purposes of videoconference proceedings, the electronic or facsimile signatures of the defendant, counsel, interested parties and the court shall be treated as if they were original signatures. This includes all orders on judgment and sentence, no contact orders, statements of defendant on pleas of guilty, and other documents or pleadings as the court shall determine are appropriate or necessary. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

(f) Videoconference Proceedings under Chapter 10.77 RCW.

(1) Authorization. Proceedings held pursuant to chapter 10.77 RCW, may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other except as otherwise directed by the trial court judge. When these proceedings are conducted via video conference, it is presumed that all participants

will be physically present in the courtroom except for the forensic evaluator unless as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. Good cause may include circumstances where at the time of the hearing, the court does not have the technological capability or equipment to conduct the conference by video as provided in this rule. Such video proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Five days prior to the hearing date, any party may request the forensic evaluator be physically present in the courtroom, which may in the trial court judge's discretion be granted.

(2) *Standards for Video Conference Proceedings under Chapter 10.77 RCW.* The judge, counsel, all parties, and the public must be able to see and hear each other during the proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 22-15-067
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO RAP 5.3—) NO. 25700-A-1458
CONTENT OF NOTICE—FILING)

The Washington State Office of Public Defense, having recommended the adoption of the proposed amendments to RAP 5.3—Content of Notice—Filing, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendments as shown below are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Gordon McCloud, J.

Yu, J.

Owens, J.

Whitener, J.

RAP 5.3

CONTENT OF NOTICE—FILING

(a) - (b) [Unchanged.]

(c) Identification of Parties, Counsel, and Address of Defendant in Criminal Case. The party seeking review should include on the notice of appeal the name and address of the attorney for each of the parties. In a criminal case the attorney for the defendant should also notify the appellate court clerk of the defendant's address, by placing this information on the notice. The attorney for a defendant in a criminal case must also keep the appellate court clerk advised of any changes in defendant's address during review.

(d) - (j) [Unchanged.]

WSR 22-15-068
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO RAP 10.2—TIME) NO. 25700-A-1459
FOR FILING BRIEFS)

The Washington State Office of Public Defense, having recommended the adoption of the proposed amendments to RAP 10.2—Time for Filing Briefs, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendments as shown below are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Gordon McCloud, J.

Yu, J.

Owens, J.

Whitener, J.

RAP 10.2
TIME FOR FILING BRIEFS

(a) - (g) [Unchanged.]

(h) Service of Briefs. At the time a party files a brief, the party should serve one copy on every other party and on any amicus curiae, and file proof of service with the appellate court. ~~In a criminal case in which the defendant is the appellant, appellant's counsel should serve the appellant's brief on appellant and file proof of service with the appellate court. Service and proof of service should be made in accordance with rules 18.5 and 18.6.~~

(i) [Unchanged.]

WSR 22-15-069
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO RAP 10.10—) NO. 25700-A-1460
STATEMENT OF ADDITIONAL)
GROUNDS FOR REVIEW)

The Washington State Office of Public Defense, having recommended the adoption of the proposed amendments to RAP 10.10—Statement of Additional Grounds for Review, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the proposed amendments as shown below are adopted.
- (b) That the proposed amendments will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Gordon McCloud, J.

Yu, J.

Owens, J.

Whitener, J.

RAP 10.10
STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW

(a) - (c) [Unchanged.]

(d) Time for Filing. The statement of additional grounds for review should be filed within 350 days after ~~service upon the defendant of the brief prepared by defendant's counsel and the mailing of a notice from the clerk of the appellate court advising the defendant of the substance of this rule. If the defendant is represented by counsel, the clerk will mail the notice to the defendant's counsel, who should promptly forward the notice to the defendant with a copy of the opening brief.~~ The clerk will advise all parties if the defendant files a statement of additional grounds for review.

(e) Report of Proceedings. If within 30 days after ~~service of the brief prepared by defendant's counsel the mailing of the notice referenced in subsection (d) above,~~ defendant requests a copy of the verbatim report of proceedings from defendant's counsel, counsel should promptly mail serve a copy of the verbatim report of proceedings ~~on to~~ the defendant and should file in the appellate court ~~proof of such service a certificate of mailing, which need not state the address the report of proceedings was mailed to.~~ The pro se statement of additional grounds for review should then be filed within 350 days ~~after the certificate of mailing is filed after service of the verbatim report of proceedings.~~ The cost for producing and mailing the verbatim report of proceedings for an indigent defendant will be reimbursed to counsel from the Office of Public Defense in accordance with Title 15 of these rules.

(f) [Unchanged.]

**WSR 22-15-070
RULES OF COURT
STATE SUPREME COURT
[July 15, 2022]**

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO CrR) NO. 25700-A-1461
3.5—CONFESSION PROCEDURE)

The Snohomish County Prosecutor's Office, having recommended the suggested amendment to CrR 3.5—Confession Procedure, and the Court having considered the suggested amendment;

Now, therefore, it is hereby

ORDERED:

That the suggested amendment is rejected.

DATED at Olympia, Washington this 15th day of July, 2022.

Gonzalez, C.J.

Gordon McCloud, J.

Yu, J.

Owens, J.

Whitener, J.

**WSR 22-15-070A
RULES OF COURT
STATE SUPREME COURT**

[July 15, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO GR) NO. 25700-A-1462
31—ACCESS TO COURT RECORDS)

The Judicial Information Systems Committee, having recommended the suggested amendments to GR 31—Access to Court Records, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 15th day of July, 2022.

For the Court

Gonzales, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to

**General Rule 31—Access to Court Records, Section (g) and Section (e)
Submitted by the Judicial Information Systems Committee**

A. Name of Proponent: Judicial Information Systems Committee (JISC)

B. Spokespersons: Justice Barbara A. Madsen, Chair
Judge John Hart, Vice-Chair

C. Purpose: Clarify AOC Responsibility for Content of Court Documents

The JISC suggests changes to GR 31 that clarify the duty and responsibility of the Administrative Office of the Courts (AOC) regarding the content of documents within JIS.

GR 31 places responsibility on the filing parties to omit or redact personal identifiers from court documents. GR 31(e). The court and clerk are not responsible for reviewing documents for compliance with the rule before making them available electronically or in paper form.

The current rule does not address the role of the AOC when those court documents are made available through the JIS. The AOC has no control over the content of court documents and should not bear re-

sponsibility when they are displayed through JIS on behalf of the court or clerk.

JISC seeks to add language to GR 31(g) by adding a subsection labeled (4) stating "The Administrator for the Courts is not responsible for the content of any court documents published through the JIS."

We also suggest changing section GR 31(e) subsection (2) to state: "The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court, the Clerk, and the Administrative Office of the Courts will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion." This proposed change would strike the word "or" from this section and add "and the Administrative Office of Courts." This change is being suggested in order to clarify that the AOC has no duty to review or redact court documents filed in systems connected to the JIS.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Due to the impending release of the appellate court web public portal application by the Administrative Office of the Courts (AOC), which will occur this Summer of 2022, we request expedited consideration to specify the roles and limitations of the AOC regarding the content of documents filed in the courts and made available through AOC applications. This service is one of the highest priorities of the Supreme Court Clerk and the Clerk/Administrators of the Court of Appeals.

GR 31
ACCESS TO COURT
RECORDS

(a) Policy and Purpose. It is the policy of the courts to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by article 1, Section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.

(b) Scope. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Administrative records are not within the scope of this rule. Court records are further governed by GR 22.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a court record.

(2) "Administrative record" means any record pertaining to the management, supervision or administration of the judicial branch, including any court, board, or committee appointed by or under the direction of any court or other entity within the judicial branch, or the office of any county clerk.

(3) "Bulk distribution" means distribution of all, or a significant subset, of the information in court records, as is and without modification.

(4) "Court record" includes, but is not limited to: (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index,

calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Court record does not include data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the record.

(5) "Criminal justice agencies" are government agencies that perform criminal justice functions pursuant to statute or executive order and that allocate a substantial part of their annual budget to those functions.

(6) "Dissemination contract" means an agreement between a court record provider and any person or entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court or municipal court), that is provided court records. The essential elements of a dissemination contract shall be promulgated by the JIS Committee.

(7) "Judicial Information System (JIS) Committee" is the committee with oversight of the statewide judicial information system. The judicial information system is the automated, centralized, statewide information system that serves the state courts.

(8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

(9) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(10) "Public purpose agency" means governmental agencies included in the definition of "agency" in RCW 42.17.020 and other non-profit organizations whose principal function is to provide services to the public.

(d) Access.

(1) The public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law.

(2) Information from an official juvenile offender court record shall not be displayed on a publicly accessible website. The only exception to this rule is if the website is accessed from a physical county clerk's office location.

(3) Each court by action of a majority of the judges may from time to time make and amend local rules governing access to court records not inconsistent with this rule.

(4) A fee may not be charged to view court records at the courthouse.

(e) Personal Identifiers Omitted or Redacted from Court Records.

(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless necessary or otherwise ordered by the Court.

(A) Social Security Numbers. If the Social Security Number of an individual must be included in a document, only the last four digits of that number shall be used.

(B) Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.

(C) Driver's License Numbers.

(D) In a juvenile offender case, the parties shall caption the case using the juvenile's initials. The parties shall refer to the juvenile by their initials throughout all briefing and pleadings.

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court, or the Clerk, and the Administrative Office of the Courts will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

Comment

This rule does not require any party, attorney, clerk, or judicial officer to redact information from a court record that was filed prior to the adoption of this rule.

(f) Distribution of Court Records Not Publicly Accessible.

(1) A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the inquiry. In order to grant such requests, the court or the Administrator for the Courts must:

(A) Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access.

(B) Determine, in its discretion, that filling the request will not violate this rule.

(C) Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.

(D) Assure that prior to the release of court records under section (f)(1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.

(2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.

(3) Criminal justice agencies may request court records not publicly accessible.

(A) The provider of court records shall approve the access level and permitted use for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not included in a class may request access.

(B) Agencies requesting access under this section of the rule shall identify the court records requested and the proposed use for the court records.

(C) Access by criminal justice agencies shall be governed by a dissemination contract. The contract shall: (i) specify the data to

which access is granted, (ii) specify the uses which the agency will make of the data, and (iii) include the agency's agreement that its employees will access the data only for the uses specified.

(g) Bulk Distribution of Court Records.

(1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.

(2) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

(3) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

(4) The Administrator for the Courts is not responsible for the content of any court documents published through the JIS.

(h) Appeals. Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

(i) Notice. The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.

(j) Access to Juror Information. Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

(k) Access to Master Jury Source List. Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 22-15-071
RULES OF COURT
STATE SUPREME COURT**
[July 15, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO) NO. 25700-A-1463
CRLJ 55—DEFAULT)

The District and Municipal Court Judges' Association, having recommended the suggested amendment to CRLJ 55—Default, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 15th day of July, 2022.

For the Court

Gonzales, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to WASHINGTON STATE COURT RULES:

CIVIL RULES FOR COURTS OF LIMITED JURISDICTION

CRLJ 55

DEFAULT

A. Name of Proponent: District & Municipal Courts Judges' Association (DMCJA)

B. Spokesperson: Judge Michael J. Finkle, Member, DMCJA Rules Committee

C. Purpose: CRLJ 55(f) sets out the procedures for a motion for default judgment when the defendant has not appeared and more than one year has elapsed from the date of service of the summons and complaint. The current court rule only references service of the summons. The current version of the rule does not expressly state that a motion for default judgment under that subsection must be noted for hearing. CRLJ 55 (f)(2)(iv), applicable if the plaintiff initially served process by publication, clearly requires the plaintiff to note the motion for a hearing. This could have been an oversight on the original drafters part or intentional as service by publication under CRLJ 55 (b)(3) requires an examination upon oath. Nevertheless, the absence of such a clear requirement in CRLJ 55 (f)(2)(i)-(iii) can cause confusion.

There are two reasons for the request. First, the way the rule is currently drafted can cause counsel and/or judges to avoid setting motions for default for a hearing when more than one year has passed since personal service. King County District Court recently received approximately 8 motions (all from the same law firm) seeking default judgments without a hearing. This spurred several hours of research by the judge handling the matter. That could have been avoided with a simple rule change. Second, King County Superior Court has seen fit to adopt a local rule (LCR 55 (a)(1) that expressly requires a hearing. If CR 55 (similar to CRLJ 55) was clear, the local rule would be unnecessary.

The proposed amendment to CRLJ 55 (f)(1) would not change the existing rule; it would only make it clear. King County's local rule can only be considered valid if it clarifies the state rule. If it changes it, then it is invalid. While passage of a Superior Court local rule is not binding authority, it is a good indicator that the proposed clarification would be consistent with the current rule.

The only two cases that the DMCJA is aware of that remotely discuss this issue mention that the plaintiffs noted hearings, but do not say whether a hearing was required. Those cases are: *Brooks v. University City, Inc.*, 154 Wn.App. 474 (2010); and *Dubois v. Kapuni*, 71 Wn.App. 621 (1993). The two cases certainly support the notion that a hearing is necessary, but they are not directly on point.

For the foregoing reasons, the DMCJA is requesting that the Supreme Court amends CRLJ 55 (f)(1) to clarify the process for seeking a default judgment when service occurred more than one year before.

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: Expedited consideration is not requested.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

CRLJ 55 DEFAULT

(a) Entry of Default.

(1) *Motion.* When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend as provided by these rules and that fact is made to appear by motion and affidavit, a motion for default may be made.

(2) *Pleading After Default.* Any party may respond to any pleading or otherwise defend at any time before a motion for default and supporting affidavit is filed, whether the party previously has appeared or not. If the party has appeared before the motion is filed, he may respond to the pleading or otherwise defend at any time before the hearing on the motion. If the party has not appeared before the motion is filed he may not respond to the pleading nor otherwise defend without leave of court. Any appearances for any purpose in the action shall be for all purposes under this rule 55.

(3) *Notice.* Any party who has appeared in the action for any purpose, shall be served with a written notice of motion for default and the supporting affidavit at least 5 days before the hearing on the motion. Any party who has not appeared before the motion for default and supporting affidavit are filed is not entitled to a notice of the motion, except as provided in subsection (f)(2)(i).

(4) *Venue.* A motion for default shall include a statement of the basis for venue in the action. A default shall not be entered if it clearly appears to the court from the papers on file that the action was brought in an improper district.

(b) Entry of Default Judgment. As limited in rule 54(c), judgment after default may be entered as follows, if proof of service is on file as required by subsection (b)(4):

(1) *When Amount Certain.* When the claim against a party, whose default has been entered under section (a), is for a sum certain or for a sum which can by computation be made certain, the court upon motion and affidavit of the amount due shall enter judgment for that amount and costs against the party in default, if he is not an infant or incompetent person. No judgment by default shall be entered against an infant or incompetent person unless represented by a general guardian or guardian ad litem. Findings of fact and conclusions of law are not necessary under this subsection even though reasonable attorney fees are requested and allowed.

(2) *When Amount Uncertain.* If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings as are deemed necessary or, when required by statute, shall have such matters resolved by a jury. Findings of fact and conclusions of law are required under this subsection.

(3) *When Service by Publication or Mail.* In an action where the service of the summons was by publication, or by mail under rule 4(d)(4), the plaintiff, upon the expiration of the time for answering, may, upon proof of service, apply for judgment. The court must thereupon require proof of the demand mentioned in the complaint, and must require the plaintiff or his agent to be examined on oath respecting any payments that have been made to the plaintiff, or to anyone for his use on account of such demand, and may render judgment for the amount which he is entitled to recover, or for such other relief as he may be entitled to.

(4) *Costs and Proof of Service.* Costs shall not be awarded and default judgment shall not be rendered unless proof of service is on file with the court.

(c) Setting Aside Default.

(1) *Generally.* For good cause shown and upon such terms as the court deems just, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with rule 60(b).

(2) *When Venue Is Improper.* A default judgment entered in a district of improper venue is valid but will on motion be vacated for irregularity pursuant to rule 60 (b)(1). A party who procures the entry of the judgment shall, in the vacation proceedings, be required to pay to the party seeking vacation the costs and reasonable attorney fees incurred by the party in seeking vacation if the party procuring the judgment could have determined the district of proper venue with reasonable diligence. This subsection does not apply if either (i) the parties stipulate in writing to venue after commencement of the action, or (ii) the defendant has appeared, has been given written notice of the motion for an order of default, and does not object to venue before the entry of the default order.

(d) Plaintiffs, Counterclaimants, Cross Claimants. The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third party plaintiff, or a party who has pleaded a cross claim or counterclaim. In all cases a judgment by default is subject to the limitations of rule 54(c).

(e) Judgment Against State. [Reserved.]

(f) How Made After Elapse of Year.

(1) *Notice.* When more than 1 year has elapsed after service of summons with no appearance being made, the court shall not sign an order of default or enter a judgment until a notice of the time and place of the hearing on the application for the order or judgment is served on the party in default, not less than 10 days prior to the entry. Proof by affidavit of the service of the notice shall be filed before entry of the judgment.

(2) *Service.* Service of notice of the time and place on the application for the order of default or default judgment shall be made as follows:

(i) by service upon the attorney of record;

(ii) if there is no attorney of record, then by service upon the defendant by certified mail with return receipt of said service to be attached to the affidavit in support of the application; or

(iii) by a personal service upon the defendant in the same manner provided for service of process.

(iv) If service of notice cannot be made under sections (i) and (iii), the notice may be given by publication in a newspaper of general circulation in the county in which the action is pending for one publication, and by mailing a copy to the last known address of each defendant. Both the publication and mailing shall be done 10 days prior to the hearing.

**WSR 22-15-072
RULES OF COURT
STATE SUPREME COURT**
[July 15, 2022]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [22-16](#) issue of the Register.

**WSR 22-15-073
RULES OF COURT
STATE SUPREME COURT**
[July 15, 2022]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [22-16](#) issue of the Register.

WSR 22-15-075

NOTICE OF PUBLIC MEETINGS

BILLY FRANK JR NATIONAL STATUARY

HALL SELECTION COMMITTEE

[Filed July 18, 2022, 9:39 a.m.]

Update to August 16 meeting: Hybrid option available and meeting length extended, at 9 a.m. - 1 p.m., online <https://us06web.zoom.us/j/85477450163#success>; in-person at Nisqually Tribe, 4840 Journey Street S.E., Olympia, WA 98513.

WSR 22-15-076
NOTICE OF PUBLIC MEETINGS
FREIGHT MOBILITY
STRATEGIC INVESTMENT BOARD
[Filed July 18, 2022, 9:40 a.m.]

2023 Board Meeting Locations/Schedule

January 20, 2023	Olympia
March 17, 2023	Port of Kalama
June 2, 2023	Stevenson
September 22, 2023	Walla Walla
December 1, 2023	Vancouver

**WSR 22-15-079
POLICY STATEMENT
DEPARTMENT OF ECOLOGY**
[Filed July 18, 2022, 12:15 p.m.]

Notice of Interpretive or Policy Statement

In accordance with the Administrative Procedure Act, RCW 34.05.230, the department of ecology submits the following:

Document Title	Action	Description
POL 1010 - Administration of the Trust Water Rights Program	Issuance of a new policy	This policy clarifies the interpretation and intent of the language in chapter 90.42 RCW.

To obtain a copy of this and other water resources policies, go to <https://ecology.wa.gov/Regulations-Permits/Plans-policies/Water-rights-dam-safety-policies-procedures-guidan> or contact Annie Sawabini, department of ecology, at 360-407-6878 or annie.sawabini@ecy.wa.gov.

WSR 22-15-081
NOTICE OF PUBLIC MEETINGS
CENTRALIA COLLEGE
[Filed July 18, 2022, 1:35 p.m.]

BOARD OF TRUSTEES
Meeting Schedule For 2023

DATE	TIME	LOCATION
Thursday January 12, 2022	3:00 p.m.	College Boardroom
Thursday February 9, 2022	3:00 p.m.	College Boardroom
Thursday March 9, 2022	3:00 p.m.	College Boardroom
Thursday April 13, 2022	3:00 p.m.	Centralia College East
Thursday May 11, 2022	3:00 p.m.	College Boardroom
Thursday June 8, 2022	3:00 p.m.	College Boardroom
Thursday August 10, 2022	3:00 p.m.	College Boardroom
Thursday September 14, 2022	3:00 p.m.	College Boardroom
Thursday October 12, 2022	3:00 p.m.	College Boardroom
Thursday November 9, 2022	3:00 p.m.	College Boardroom
Thursday December 14, 2022	3:00 p.m.	College Boardroom

WSR 22-15-082

AGENDA

PARKS AND RECREATION

COMMISSION

[Filed July 18, 2022, 1:43 p.m.]

In accordance with RCW 34.05.314, the state parks and recreation commission submits its semi-annual agenda for rules under development for publishing in the Washington State Register.

State parks is conducting a thorough review and may have additional rules as conditions arise. Rule changes filed from July to December 2022 are located on the agency's website at <https://parks.state.wa.us/179/rules-regulations>.

Any questions related to the specific rules identified in the agenda can be directed to the manager or Valeria Veasley, Rules Coordinator, at 1111 Israel Road [S.W.], Olympia, WA 98504-2560, 360-902-8597, or valeria.veasley@parks.wa.gov.

Semi-Annual Rule-Making Agenda**July 1 - December 31, 2022****Rules Under Development**

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
352-40-030 When and where can I access state parks' public records?	Update phone number for the communications office. Minor change.	Brian Thrasher Records Manager Brian.Thrasher@parks.wa.gov 360-902-8514	Will file an Expedited rule making CR-105		
352-40-060 Who do I contact to request state parks' public records?	The address for parks' external-facing website in this chapter is [no] longer valid.	Brian Thrasher Records Manager Brian.Thrasher@parks.wa.gov 360-902-8514	Will file an Expedited rule making CR-105		

Valeria Veasley
Management Analyst

WSR 22-15-086

AGENDA

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 18, 2022, 5:15 p.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [22-16](#) issue of the Register.

WSR 22-15-087
DEPARTMENT OF AGRICULTURE
[Filed July 19, 2022, 7:58 a.m.]

2022 QUARTERLY REPORT ON RULE-MAKING ACTIVITIES
Petitions Received

The following information is being sent to you in order to implement RCW 1.08.112 (1) (g) and WAC 1-21-180. The Washington state department of agriculture received zero petitions for rule making during the second quarter of 2022.

Date	Requestor	Subject
1ST QUARTER (JANUARY THROUGH MARCH)		
	None	
2ND QUARTER (APRIL THROUGH JUNE)		
	None	

WSR 22-15-103**AGENDA****WASHINGTON STATE LOTTERY**

[Filed July 19, 2022, 2:36 p.m.]

Pursuant to RCW 34.05.314, Washington's lottery is submitting its semi-annual agenda of rules under development for publishing in the Washington State Register.

The following report describes current lottery rules under development. Additional rule making may be deemed necessary to meet legal requirements, unforeseen circumstances, or evolving agency needs.

Semi-Annual Rule-Making Agenda

July 1 – December 31, 2022

WAC	Purpose for Rule Making	CR-101 Filing	Next Step
WAC 315-04-180 Obligations of lottery retailers	Lottery is proposing to amend WAC 315-04-180 in order to grant the director discretion to reimburse retailers or waive payment for stolen scratch tickets under certain circumstances.	CR-101 filed as WSR 22-14-048 on 6/28/22	CR-102 to be filed 9/1/22 (estimated)

Kristi Weeks
Director of Legal Services

WSR 22-15-106
NOTICE OF PUBLIC MEETINGS
ANDY HILL CANCER
RESEARCH ENDOWMENT BOARD
[Filed July 19, 2022, 3:34 p.m.]

Following is an update to the September 7, 2022, board meeting. The following physical location needs to be added to the meeting (virtual location is also still valid and is in addition to the physical location): Fred Hutchison Cancer Center, 1100 Fairview Avenue North, Thomas Building, D1-084, Seattle, WA 98109.

WSR 22-15-114

AGENDA

WASHINGTON STATE UNIVERSITY

[Filed July 20, 2022, 8:56 a.m.]

**Semi-Annual Agenda for Rules Under Development
July 2022**

Pursuant to RCW 34.05.314, the following is Washington State University's semi-annual agenda for WAC rules under development for the period of July 1 through December 31, 2022. Additional rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

1. **Chapter 504-15 WAC, Campus parking and traffic regulations for WSU**, rule-making amendment to the university's WSU Pullman campus parking and traffic regulations. Filed CR-102 on June 22, 2022, with adoption of permanent rules on August 12, 2022.

2. **Chapter 504-26 WAC, Standards of conduct for students**, rule-making amendments to the university's standards of conduct for students. Anticipate filing CR-102 for permanent rules on September 7, 2022, with adoption of permanent rules on November 18, 2022.

3. **Chapter 504-28 WAC, Policies and regulations applying to all student organizations**, rule-making amendment to the university's requirements for recognized or registered student organizations. Anticipate filing CR-102 for permanent rules on September 7, 2022, with adoption of permanent rules on November 18, 2022.

4. **Chapter 504-24 WAC, Policies and regulations for student living groups**, rule-making amendment to the university's student living groups rules regarding undergraduate housing requirements. Anticipate filing preproposal (CR-101) for permanent rules on November 2, 2022. (Filing CR-102 for permanent rules is anticipated on January 4, 2023, with adoption of permanent rules on March 10, 2023.)

For more information regarding the semi-annual agenda, contact Deborah Bartlett, Rules Coordinator, Washington State University, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, email prf.forms@wsu.edu.

Deborah Bartlett
Rules Coordinator

WSR 22-15-118
NOTICE OF PUBLIC MEETINGS
BENTON CLEAN AIR AGENCY
[Filed July 20, 2022, 9:54 a.m.]

Board of Directors
Meeting Schedule for Calendar Year 2022

Meetings are held on the fourth Thursday of each month, with three noted exceptions:

- January through June meetings held at 5:30 p.m.
- July through December meeting held at 5:00 p.m. (this is a change from previous years which were at 5:30 [p.m.]).
- At the agency offices, 526 South Steptoe Street, Kennewick, WA 99336, or via Zoom in compliance with COVID-19 restrictions.

2022

January 27
February 24
March 24
April 28
May 26
June 23
July 28
August 25 - Canceled
September 22
October 27
November 24 - Canceled
December 15***
Third Thursday